

Phase-in Dates of Land Disposal Restrictions Requirements

OVERVIEW

Regulation 347 (Reg. 347) of the Revised Regulations of Ontario, 1990, made under the *Environmental Protection Act* (EPA), was amended in 2005 to establish a land disposal restrictions (LDR) program in Ontario. Under these rules, listed and characteristic hazardous wastes that are to be land disposed must be treated to meet prescribed treatment requirements prior to land disposal.

These amendments will affect generators of listed and characteristic hazardous wastes and the waste management industry that transfers, processes and disposes of these wastes. Therefore, the LDR program is phased-in to ensure that the regulated community has time to understand the new requirements and to make necessary changes in how it generates and manages listed and characteristic hazardous wastes.

This fact sheet provides a brief high level overview of the major changes in management requirements for hazardous wastes under the LDR program. Additional details can be found in the Ministry's *Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste* ("Manual"), *LDR Handbook* and other fact sheets.

This fact sheet only addresses LDR treatment, reporting and notification requirements under Reg. 347. All other requirements under Reg. 347 that may be applicable to the management of these wastes (e.g., registration, manifesting, storage, and record keeping) also apply, including any requirements that are in a Certificate of Approval (CofA) held by the generator, carrier, waste receiver or land disposal site.

Key Phase-In Dates

The key phase-in dates for LDR requirements are summarized as follows:

| Requirements | Phase-In Date |
|--|--|
| Storage, Mixing and Processing: Waste storage, mixing (including blending, bulking or intermingling) and processing requirements*. | March 31, 2006 |
| Waste Registration: Generator registration requirements. | January 1, 2007 |
| Waste Registration: Completion of Part 2A (LDR applicable sections) and Part 2B of the Generator Registration Report (GRR) requirement. | August 31, 2007 (Part 2A – update annually, Part 2B – as required by questionnaire in Part 2A) |

| | |
|--|--|
| Waste Treatment: Land disposal treatment requirements for hazardous wastes in Schedules 10, 11, 12, and 13, excluding mixed hazardous waste. | August 31, 2007 |
| Waste Treatment: Alternate treatment standards for soils affected by a land disposal treatment requirement (Schedule 6 applies ONLY for those regulated constituents listed in Schedule 13). | August 31, 2007 |
| Waste Treatment: Alternate treatment for hazardous debris affected by a land disposal treatment requirement (ONLY to address the regulated constituents listed in Schedule 13). | August 31, 2007 |
| Waste Treatment: Land disposal treatment requirements for hazardous wastes in Schedules 1, 2 Part A, 2 Part B, 3, and 5, including mixed hazardous waste. Schedules 10, 11, 12 and 13 become redundant. | December 31, 2009 |
| Waste Treatment: Land disposal treatment requirements for all regulated constituents listed in Schedule 6 (Universal Treatment Standards). | December 31, 2009 |
| Receiver Notification: Requirement to provide an LDR Notification Form. | Effective at time land disposal treatment requirement in effect for the waste |
| Waste Analysis Plan: Requirement for processor of hazardous wastes affected by a land disposal treatment requirement to prepare a plan. | Effective at time land disposal treatment requirements in effect for the waste |

* See fact sheet - *Waste Storage, Mixing and Processing Requirements Effective March 31, 2006* for details on these requirements.

Mixed Hazardous Wastes

For the purpose of this fact sheet, the term **mixed hazardous waste** means a hazardous waste or mixture of hazardous wastes having a hazardous characterization that is found in Schedules 10, 11, 12 and 13 (hazardous wastes having treatment requirements taking effect on August 31, 2007) and a hazardous characterization that is not found in Schedules 10, 11, 12 and 13 (hazardous wastes having treatment requirements taking effect on December 31, 2009). Simply put, a mixed hazardous waste is a hazardous waste or mixture of hazardous wastes which have hazardous waste numbers with different phase-in dates for the treatment requirements.

The mixing (including blending, bulking or intermingling) of hazardous wastes to achieve a mixed hazardous waste is not allowed unless it is in accordance with a Certificate of Approval. Land disposal treatment requirements apply to mixed hazardous wastes as of December 31, 2009.

Requirements Affected by the Phase-In Dates

Generator Registration Requirements (Section 18 of Reg. 347)

Section 18 of Reg. 347 requires the generator to revise their Generator Registration Report (GRR) if there are any changes in the information previously submitted to the Ministry. It also requires the generator to submit the GRR in a form or format provided by the Ministry. Registration requirements for a generator that generates wastes subject to the LDR requirements will vary based on the phase-in dates for the treatment requirements for each hazardous waste stream.

Registration in 2008: When re-registering, the generator is required to revise their GRR and confirm that Part 2A (Waste Identification) for each hazardous waste stream has been completely filled out including the questionnaire (Declaration of Waste Streams Subject to Land Disposal Restrictions). Note that a new Part 2A (Waste Identification), including the questionnaire, must be fully completed for any newly registered wastes. The questionnaire will determine if the generator needs to complete Part 2B (LDR Notification Form). Generators are also given the option to complete the questionnaire and Part 2B for the hazardous waste streams that have treatment requirements that come into effect on December 31, 2009.

Registration in 2009 and beyond: When re-registering, the generator is required to revise their GRR and confirm that Part 2A (Waste Identification) for all hazardous waste streams has been completely filled out including the updated questionnaire and Part 2B (LDR Notification Form). Note that a new Part 2A, including the questionnaire, must be fully completed for any newly registered wastes. The questionnaire will determine if the generator needs to complete Part 2B (LDR Notification Form).

Further details on completing registration requirements according to the phase-in provisions of the LDR program are provided in the Manual.

Treatment Requirements

Land disposal treatment requirements for hazardous wastes are being phased-in by groups on August 31, 2007 and December 31, 2009. The Quick Reference Table of Land Disposal Treatment Requirements Phase-In Dates at the end of this fact sheet provides a summary of these requirements for different types of wastes. Special requirements during the phase-in period are summarized below:

Schedule 6 Treatment Requirements

Treatment to Universal Treatment Standards (UTS) specified in Schedule 6 (if required by Schedule 5 for a characteristic waste) is not required until December 31, 2009. Prior to this date, characteristic wastes that are treated to meet their Schedule 5 treatment requirements (not including “and meet Schedule 6 standards”) for hazardous waste numbers listed in Schedule 13 may be land disposed. From December 31, 2009 onwards, characteristic wastes may not be land disposed until all the applicable Schedule 5 and Schedule 6 land disposal treatment requirements are met.

Alternate Treatment Standards for Soil

Alternate soil treatment standards are based on UTS specified in Schedule 6 and can be used as an alternative when an applicable waste soil is required to meet a land disposal treatment requirement. Prior to December 31, 2009, treatment is only required for regulated constituents listed in Schedule 6 that also appear on Schedule 13. From December 31, 2009 onwards, waste soil must be treated for all applicable regulated constituents listed in Schedule 6. See fact sheet - *Land Disposal Restrictions Changes to Ontario's Hazardous Waste Regulation* for more details on this alternate standard.

Alternate Treatment Standards for Debris

Alternate treatment standards for debris are technology-based and can be used as an alternative when applicable waste debris is required to meet a land disposal treatment requirement. From August 31, 2007 until December 31, 2009, treatment of waste debris is required only for those applicable hazardous characteristics listed in Schedule 13. From December 31, 2009 onwards, treatment is required for all applicable characteristic wastes listed in Schedule 5. See fact sheet - *Land Disposal Restrictions Changes to Ontario's Hazardous Waste Regulation* for more details on this alternate standard.

Other LDR Requirements

Other aspects of the LDR program apply to a waste based on the phase-in date for the waste. When a hazardous waste becomes subject to LDR requirements, the following requirements also become applicable:

- Notification requirements for generators and operators of processing facilities who transfer wastes subject to land disposal treatment requirements (Section 84 of Reg. 347).
- Waste analysis plans and associated records for generators and operators of processing facilities who provide waste treatment to meet LDR requirements (Section 85 of Reg. 347).
- Special provisions for wastes produced by a small quantity generator (SQG) (Section 80 of Reg. 347 (see fact sheet - *LDR Requirements for Small Quantity Generators and Lab Packs*) and municipal hazardous or special waste (MHSW) (Section 81 of Reg. 347).

This guide is for informational purposes only and is not intended to provide specific advice or recommendations in any circumstances. Moreover, this guide is not, and should not be construed as, legal advice. Please review Part V of the *Environmental Protection Act* and Regulation 347 (General – Waste Management) and, if you have any questions about the application or interpretation of these regulations or have other legal questions, you should consult a lawyer.

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Quick Reference Table of Phase-in Dates for Land Disposal Treatment Requirements *

| Schedule Number | Schedule Description | Effective dates for Land Disposal Treatment Requirements ** | |
|-----------------|--|---|---|
| | | August 31, 2007 to December 30, 2009 | December 31, 2009 onwards |
| Schedule 1 | Hazardous industrial waste and the land disposal treatment requirements | <u>ONLY</u> those hazardous waste numbers listed in Schedule 10 | <u>ALL</u> hazardous waste numbers listed in Schedule 1 |
| Schedule 2A | Acute hazardous waste chemicals and the land disposal treatment requirements | <u>ONLY</u> those hazardous waste numbers listed in Schedule 11 | <u>ALL</u> hazardous waste numbers listed in Schedule 2A |
| Schedule 2B | Hazardous waste chemicals and the land disposal treatment requirements | <u>ONLY</u> those hazardous waste numbers listed in Schedule 12 | <u>ALL</u> hazardous waste numbers listed in Schedule 2B |
| Schedule 3 | Severely toxic contaminants and the land disposal treatment requirements | <u>NOT</u> applicable until Dec 31, 2009 | <u>ALL</u> hazardous waste numbers listed in Schedule 3 |
| Schedule 5 | Land disposal treatment requirements for characteristic wastes | <u>ONLY</u> those hazardous waste numbers listed in Schedule 13 | <u>ALL</u> hazardous waste numbers listed in Schedule 5 |
| Schedule 6 | Universal Treatment Standards (UTS) for characteristic wastes | <u>NOT</u> applicable until Dec 31, 2009, except: If treating a hazardous waste listed in Schedule 13 using alternate treatment standards for soil, then Schedule 6 applies <u>ONLY</u> for those regulated constituents listed in Schedule 13 | <u>ALL</u> hazardous waste numbers in Schedule 5 that refer to Schedule 6 standards Use of Schedule 6 for alternate treatment standards for soil for <u>ALL</u> regulated constituents |
| Schedule 8 | Alternate treatment for hazardous debris | <u>ONLY</u> to address regulated constituents listed in Schedule 13 | <u>ALL</u> regulated constituents listed in Schedule 5 that are applicable to the debris |

* Schedule 7 is an information Schedule defining the treatment codes that are in the other Schedules. Therefore Schedule 7 does not require a phase in date.

** Schedules 10, 11, 12 and 13 are schedules of waste streams that must be treated as of August 31, 2007, before land disposal. These waste streams were taken out of the corresponding Schedules 1, 2 Part A, 2 Part B and 5, respectively. The generator is required to treat a waste stream in Schedule 10, 11, 12 and 13 as of August 31, 2007.

Schedule 13 wastes include ignitable, corrosive and reactive waste which must be treated as of August 31, 2007.

If a waste stream has a hazardous waste characterization that is in Schedule 10, 11, 12 and 13 and also a hazardous waste characterization that is not in Schedule 10, 11, 12, and 13, the December 31, 2009 phase-in date applies for the waste stream.

If a waste stream has a hazardous waste characterization that is in Schedule 10, 11, 12 and 13 and it contains incidental organics that does not make it hazardous, the August 31, 2007 phase-in date applies.